

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:21-CV-348-FL

ANTOINETTE R. HURTT,

Plaintiff,

v.

THE TOWN OF HOPE MILLS; MELISSA
P. ADAMS in her individual capacity;
JOEL C. ACCIARDO, in his individual
capacity; BRADLEY DEAN, in his
individual capacity,

Defendants.

ORDER

This matter is before the court on plaintiff's motions to compel discovery and deposition answers (DE 27, 29). Defendants have responded in opposition and the issues raised are ripe for ruling.

This court's case management order, entered November 22, 2021, requires that "[a]ny motion raising a disputed issue of or relating to discovery, . . . shall be filed and served within 30 days of the act or omission in discovery complained of, after good faith effort between the parties to resolve issue(s)." (DE 16 at 6). In addition, "[b]efore filing, the court requires notice of such disputed discovery issue(s) for its consideration in setting a telephonic discovery conference." (Id. at 6-7). "Discovery motions filed after the 30 day deadline and/or without advance conference with the court, absent extenuating circumstances, summarily will be denied." (Id. at 7).


Here, the act or omission in discovery complained of, in plaintiff's first motion, is defendants' objection, made June 27, 2022, to part of plaintiff's third set of requests for production

of documents. (Pl's M. to Compel Discovery (DE 27) at 1; Defs' Resp., Ex. D, (DE 34-4) at 4). The act or omission in discovery complained of, in plaintiff's second motion, is the instruction by defendants' counsel to deponent David Stephens not to answer questions at a July 26, 2022, deposition on the basis of attorney-client privilege. (Pl's Motion to Compel Dep. Answers (DE 29) at 1).

The instant motions were filed over two months after those acts or omissions in discovery. The motions thus do not comply with the 30 day filing requirement in the court's case management order. In addition, plaintiff did not give the requisite notice to the court of disputed discovery issues prior to filing the instant motions, and the time to provide such notice has long passed.

Therefore, the instant motions are DENIED, in accordance with the terms of the court's November 22, 2021, case management order. The court holds in abeyance decision on defendant's request for reasonable attorney's fees and costs associated with their responses to the motions, pending further case developments. Dispositive motions are due to be filed not later than November 17, 2022. As the case proceeds, defendants may renew their request.

SO ORDERED, this the 31st day of October, 2022.


LOUISE W. FLANAGAN
United States District Judge